

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FREDERICK M. LINZ,

Plaintiff,

v.

VIKING RESIDENTIAL
PARTNERS, LLC,

Defendant.

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CIVIL ACTION NO. 4:23-CV-00670-
SDJ-AGD

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

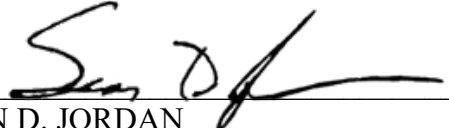
Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this Motion having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On September 3, 2024, the Report of the Magistrate Judge, (Dkt. #21), was entered containing proposed findings of fact and recommendation that Defendant’s Motion to Dismiss (Dkt. #12) be granted and that Plaintiff’s Amended Complaint (Dkt. #5) and Defendant’s Counterclaim (Dkt. #11) both be dismissed without prejudice.

On September 17, 2024, Plaintiff filed timely objections to the Report (Dkt. #22). The Court has conducted a de novo review of Plaintiff’s objections (Dkt. #22) and the portions of the Report to which Plaintiff specifically objects. Having done so, the Court is of the opinion that the findings of the Magistrate Judge are correct and adopts the Magistrate Judge’s Report as the findings of the Court.

It is therefore **ORDERED** that Defendant's Motion to Dismiss (Dkt. #12) is **GRANTED** and that Plaintiff's Amended Complaint (Dkt. #5) and Defendant's Counterclaim (Dkt. #11) are both **DISMISSED WITHOUT PREJUDICE**.

It is further **ORDERED** that any request for relief not addressed by the Report (Dkt. #21) is **DENIED AS MOOT**.

So ORDERED and SIGNED this 30th day of September, 2024.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE